

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

IBRAHIM TURKMEN, <i>et al.</i>,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:02cv2307 (JG) (SG)
)	
)	
JOHN ASHCROFT,)	
Former Attorney General of the)	
United States, <i>et al.</i>,)	
)	
Defendants.)	
_____)	

**MOTION TO DISMISS OF DEFENDANT JAMES ZIGLAR, FORMER COMMISSIONER OF
THE IMMIGRATION AND NATURALIZATION SERVICE OF THE UNITED STATES**

PLEASE TAKE NOTICE that defendant James W. Ziglar, former Commissioner of the Immigration And Naturalization Service Of The United States, by his undersigned lawyers, moves pursuant to FEDERAL RULES OF CIVIL PROCEDURE 12(b)(1) and 12(b)(6) to dismiss all claims asserted against him in the Fourth Amended Complaint.

The points and authorities in support of this Motion are set forth with particularity in the accompanying Memorandum Of Points And Authorities In Support Of Motion To Dismiss Of Defendant James Ziglar, Former Commissioner Of The Immigration And Naturalization Service Of The United States, filed simultaneously with this Motion.

WHEREFORE this Court should grant the Motion To Dismiss Of Defendant James Ziglar, Former Commissioner Of The Immigration And Naturalization Service Of The United States.

Respectfully submitted,

LAW OFFICES OF
WILLIAM ALDEN MCDANIEL, JR.

/s/ William Alden McDaniel, Jr.
William Alden McDaniel, Jr., #293746

118 West Mulberry Street
Baltimore, Maryland 21201-3600
Tel.: 410.685.3810
Fax: 410.685.0203
E-Mail: wam@wamcd.com

*Attorneys for Defendant, James W. Ziglar,
former Commissioner of the Immigration And
Naturalization Service Of The United States*

DATED: November 12, 2010

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (“NEF”) to counsel as follows:

Rachel Anne Meeropol
Center for Constitutional Rights
666 Broadway 7th Floor
New York, New York 10012
RachelM@ccrjustice.org

Michael Winger
c/o Center for Constitutional Rights
666 Broadway 7th Floor
New York, New York 10012
michael1winger@gmail.com

Craig Lawrence
United States Attorney’s Office for the District of Columbia
555 4th Street, N.W.
Washington, D.C. 20001
craig.lawrence@usdoj.gov

Dennis C. Barghaan, Jr.
Assistant U.S. Attorney
Special Department of Justice Attorney (28 U.S.C. § 515)
2100 Jamieson Avenue
Alexandria, Virginia 22314
Telephone: (703) 299-3891
Fax: (703) 299-3983
Email: dennis.barghaan@usdoj.gov

Debra L. Roth
Shaw Bransford Veilleux & Roth, P.C.
1100 Connecticut Avenue, N.W., Suite 900
Washington, D.C. 20036
droth@shawbransford.com

Michael L. Martinez
David Bell
Crowell & Moring
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2595
mmartinez@crowell.com
dbell@crowell.com

Allan N. Taffet
Joshua C. Klein
Duval & Stachenfeld, LLP
300 East 42nd Street
New York, New York 10017
ataffet@dslip.com
jklien@dslip.com

James J. Keefe
1399 Franklin Avenue
Garden City, New York 11530
jkeefe@nylawnet.com

I further certify that I have transmitted a true and correct copy of the foregoing via first-class mail to the following “non-filing user”:

Joseph Cuciti
3944 Howard Avenue
Seaford, New York 11783

Date: November 12, 2010

/s/ William Alden McDaniel, Jr.
William Alden McDaniel, Jr.

Law Office of William Alden McDaniel, Jr.
118 West Mulberry Street
Baltimore, Maryland 21201-3606
wam@wamcd.com

*Attorneys for Defendant, James W. Ziglar,
former Commissioner of the Immigration And
Naturalization Service Of The United States*